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FACEBOOK, INC.

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION

13 FACEBOOK, INC.,

14 Plaintiff,

15 v.

16 POWER VENTURES, INC. a Cayman Island
corporation, STEVE VACHANI, an individual;
17 DOE 1, d/b/a POWER.COM, DOES 2-25,
inclusive,

18 Defendants.
19

Case No. 5:08-cv-05780-LHK

**UNOPPOSED MOTION TO CHANGE
DATE OF CASE MANAGEMENT
CONFERENCE PURSUANT TO CIVIL
LOCAL RULE 6-2**

Date: January 25, 2017
Time: 2:00 p.m.
Dept: Courtroom 8, 4th Floor
Judge: Hon. Judge Lucy H. Koh

1 Pursuant to Civil Local Rule 6-2, Plaintiff Facebook, Inc. (“Facebook”) respectfully
 2 submits this unopposed motion to reschedule the Case Management Conference set for January
 3 25, 2017 at 2:00 p.m. in this matter, to February 15, 2017, at 2:00 p.m. No other deadlines should
 4 be affected.

5 The Case Management Conference was originally scheduled for January 11, 2017 (Docket
 6 No. 401), but was, at Defendants’ request (and unopposed by Facebook) vacated and reset by the
 7 Court (Docket No. 406) to occur on January 25, 2017, at 2:00 p.m.. The reasons provided by
 8 Defendants for why they sought a re-scheduling of the Case Management Conference related to
 9 unanticipated and unavoidable personal difficulties experience both by counsel and defendant
 10 Vachani (Docket No. 405). However, unbeknownst to Defendants, January 25, 2017, the date
 11 they suggested for a re-scheduled Case Management Conference, and which the Court ultimately
 12 adopted, presents significant scheduling problems for Facebook’s lead counsel, Neel Chatterjee,
 13 who is scheduled to be in New York City the morning of January 26, 2017. Accordingly, upon
 14 being apprised of this conflict, Defendants both advised Facebook that they agreed to a further re-
 15 scheduling of the Case Management Conference to February 15, 2017, assuming that the date is
 16 available under the Court’s own calendar. In fact, Defendant Vachani already had plans to be in
 17 the United States on February 15, 2017, and this date therefore permits him to attend in person.

18 The parties originally contemplated filing a joint stipulated motion to extend the Case
 19 Management Conference. On Thursday, January 19, 2017, counsel for Facebook sent the
 20 proposed stipulation to Defendant Vachani and counsel for Defendant Power Ventures, Inc.
 21 Defendant Vachani provided his written assent to Facebook’s proposed stipulation. However, as
 22 of the time of this filing, counsel for Defendant Power Ventures has not provided her assent to
 23 Facebook’s form of stipulation and has been unreachable through email or voicemail.
 24 Declaration of Robert L. Uriarte ¶ 5. Accordingly, Facebook is unable to file the instant request
 25 for relief as a stipulated motion because counsel for Power Ventures has not given express
 26 concurrence in the filing of the document Facebook provided to counsel for approval. *See* N.D.
 27 Cal. Civil Local Rule 5-1(i)(3) (requiring attestation). Rather than continue to wait for a response
 28 from Power Ventures’ counsel, Facebook hereby files this unopposed motion.

1 Subject to the convenience of the Court, Facebook respectfully requests that the initial
2 Case Management Conference be rescheduled to February 15, 2017, at 2:00 p.m. If that date is
3 unavailable, Facebook respectfully requests that the Case Management Conference be held on
4 February 1, 2017.

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6 Dated: January 20, 2017

ORRICK, HERRINGTON & SUTCLIFFE LLP

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8 By: /s/ Robert L. Uriarte
9 ROBERT L. URIARTE
10 Attorneys for Plaintiff
11 FACEBOOK, INC.
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